

CASE NUMBER: 034252/2022

EXHIBIT(S) - B (Motion #003) - Year 2 Notice of AwardDocument prepared for:
kevin barlow**CASE NAME**Rosemarie Mckinnis Est Of, Kathleen Mckinniss, Carin
Rosado, James Finn Est Of, Geraldine Finn Exr v. Ecohealth
Alliance Inc, Peter Daszak, Janet D Cottingham Aka, Janet
Dasz...**DOCUMENT FILED DATE**

Feb. 21st, 2023

CASE FILING DATE

Oct. 5th, 2022

COUNTY

Rockland county, NY

JUDGE

Sherri L Eisenpress

CATEGORY

Torts - Environmental (SARS-COV-2)

STATUS

Active

Exhibit B



RESEARCH

Department of Health and Human Services

National Institutes of Health

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Federal Award Date: 06/10/2015

**Grant Number:** 5R01AI110964-02**FAIN:** R01AI110964**Principal Investigator(s):**

PETER DASZAK, PHD

Project Title: Understanding the Risk of Bat Coronavirus Emergence

Aleksei Chmura

President

460 West 34th Street

17th Floor

New York, NY 100012317

Award e-mailed to: chmura@ecohealthalliance.org**Period Of Performance:****Budget Period:** 06/01/2015 – 05/31/2016**Project Period:** 06/01/2014 – 05/31/2019

Dear Business Official:

The National Institutes of Health hereby awards a grant in the amount of \$630,445 (see "Award Calculation" in Section I and "Terms and Conditions" in Section III) to ECOHEALTH ALLIANCE, INC. in support of the above referenced project. This award is pursuant to the authority of 42 USC 241 42 CFR 52 and is subject to the requirements of this statute and regulation and of other referenced, incorporated or attached terms and conditions.

Acceptance of this award including the "Terms and Conditions" is acknowledged by the grantee when funds are drawn down or otherwise obtained from the grant payment system.

Each publication, press release, or other document about research supported by an NIH award must include an acknowledgment of NIH award support and a disclaimer such as "Research reported in this publication was supported by the National Institute Of Allergy And Infectious Diseases of the National Institutes of Health under Award Number R01AI110964. The content is solely the responsibility of the authors and does not necessarily represent the official views of the National Institutes of Health." Prior to issuing a press release concerning the outcome of this research, please notify the NIH awarding IC in advance to allow for coordination.

Award recipients must promote objectivity in research by establishing standards that provide a reasonable expectation that the design, conduct and reporting of research funded under NIH awards will be free from bias resulting from an Investigator's Financial Conflict of Interest (FCOI), in accordance with the 2011 revised regulation at 42 CFR Part 50 Subpart F. The Institution shall submit all FCOI reports to the NIH through the eRA Commons FCOI Module. The regulation does not apply to Phase I Small Business Innovative Research (SBIR) and Small Business Technology Transfer (STTR) awards. Consult the NIH website <http://grants.nih.gov/grants/policy/coi/> for a link to the regulation and additional important information.

If you have any questions about this award, please contact the individual(s) referenced in Section IV.

Sincerely yours,

NYSCEF DOC. NO. 80
Laura A. Pone

RECEIVED NYSCEF: 02/21/2023

Grants Management Officer

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Additional information follows

Award Calculation (U.S. Dollars)

Federal Direct Costs	\$502,293
Federal F&A Costs	\$128,152
Approved Budget	\$630,445
Total Amount of Federal Funds Obligated (Federal Share)	\$630,445
TOTAL FEDERAL AWARD AMOUNT	\$630,445

AMOUNT OF THIS ACTION (FEDERAL SHARE) **\$630,445**

SUMMARY TOTALS FOR ALL YEARS		
YR	THIS AWARD	CUMULATIVE TOTALS
2	\$630,445	\$630,445
3	\$611,090	\$611,090
4	\$597,112	\$597,112
5	\$581,646	\$581,646

Recommended future year total cost support, subject to the availability of funds and satisfactory progress of the project

Fiscal Information:

CFDA Name: Allergy, Immunology and Transplantation Research
CFDA Number: 93.855
EIN: 1311726494A1
Document Number: RAI110964A
PMS Account Type: P (Subaccount)
Fiscal Year: 2015

IC	CAN	2015	2016	2017	2018
AI	8472350	\$630,445	\$611,090	\$597,112	\$581,646

Recommended future year total cost support, subject to the availability of funds and satisfactory progress of the project

NIH Administrative Data:

PCC: M51C / **OC:** 414E / **Released:** AMIDONL 06/09/2015
Award Processed: 03/23/2015 01:36:12 PM

SECTION II – PAYMENT/HOTLINE INFORMATION – 5R01AI110964-02

For payment and HHS Office of Inspector General Hotline information, see the NIH Home Page at <http://grants.nih.gov/grants/policy/awardconditions.htm>

SECTION III – TERMS AND CONDITIONS – 5R01AI110964-02

This award is based on the application submitted to, and as approved by, NIH on the above-titled project and is subject to the terms and conditions incorporated either directly or by reference in the following:

- The grant program legislation and program regulation cited in this Notice of Award.
- Conditions on activities and expenditure of funds in other statutory requirements, such as those included in appropriations acts.
- 45 CFR Part 75.
- National Policy Requirements and all other requirements described in the NIH Grants Policy Statement, including addenda in effect as of the beginning date of the budget period.
- Federal Award Performance Goals: As required by the periodic report in the RPPR or in the final progress report when applicable.
- This award notice, INCLUDING THE TERMS AND CONDITIONS CITED BELOW.

(See NIH Home Page at <http://grants.nih.gov/grants/policy/awardconditions.htm> for certain

Research and Development (R&D): All awards issued by the National Institutes of Health (NIH) meet the definition of "Research and Development" at 45 CFR Part § 75.2. As such, auditees should identify NIH awards as part of the R&D cluster on the Schedule of Expenditures of Federal Awards (SEFA). The auditor should test NIH awards for compliance as instructed in Part V, Clusters of Programs. NIH recognizes that some awards may have another classification for purposes of indirect costs. The auditor is not required to report the disconnect (i.e., the award is classified as R&D for Federal Audit Requirement purposes but non-research for indirect cost rate purposes), unless the auditee is charging indirect costs at a rate other than the rate(s) specified in the award document(s).

An unobligated balance may be carried over into the next budget period without Grants Management Officer prior approval.

This grant is subject to Streamlined Noncompeting Award Procedures (SNAP).

This award is subject to the requirements of 2 CFR Part 25 for institutions to receive a Dun & Bradstreet Universal Numbering System (DUNS) number and maintain an active registration in the Central Contractor Registration. Should a consortium/subaward be issued under this award, a DUNS requirement must be included. See <http://grants.nih.gov/grants/policy/awardconditions.htm> for the full NIH award term implementing this requirement and other additional information.

This award has been assigned the Federal Award Identification Number (FAIN) R01AI110964. Recipients must document the assigned FAIN on each consortium/subaward issued under this award.

Based on the project period start date of this project, this award is likely subject to the Transparency Act subaward and executive compensation reporting requirement of 2 CFR Part 170. There are conditions that may exclude this award; see <http://grants.nih.gov/grants/policy/awardconditions.htm> for additional award applicability information.

In accordance with P.L. 110-161, compliance with the NIH Public Access Policy is now mandatory. For more information, see NOT-OD-08-033 and the Public Access website: <http://publicaccess.nih.gov/>.

Treatment of Program Income:
Additional Costs

SECTION IV – AI Special Terms and Conditions – 5R01AI110964-02

This Notice of Award (NoA) includes funds for consortium activity with **Wuhan Institute of Virology - CHINA** awarded in the Total Costs amount of **\$139,015 (\$128,718 Direct Costs + \$10,297 F&A Costs)**.

Future year commitments are as follows:

Year 3 Total Costs: \$159,122
Year 4 Total Costs: \$159,122
Year 5 Total Costs: \$159,122

This Notice of Award (NoA) includes funds for consortium activity with **East China Normal University - CHINA** awarded in the Total Costs amount of **\$72,684 (\$67,300 Direct Costs + \$5,384 F&A Costs)**.

Future year commitments are as follows:

Year 3 Total Costs: \$54,117
Year 4 Total Costs: \$42,300
Year 5 Total Costs: \$32,454

Consortiums are to be established and administered as described in the NIH Grants Policy Statement (NIH GPS). The referenced section of the NIH Grants Policy Statement is available at http://grants.nih.gov/grants/policy/nihgps_2013/nihgps_ch15.htm#_Toc271265264.

The written agreement with the consortium must address the negotiated arrangements for meeting the scientific, administrative, financial and reporting requirements for this grant.

No foreign performance site may be added to this project without prior approval of the National Institute of Allergy and Infectious Diseases.

Although a specific amount has been awarded for each consortium, the grantee retains standard rebudgeting authorities.

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**Select Agents:**

Awardee of a project that at any time involves a restricted experiment with a select agent, is responsible for notifying and receiving prior approval from the NIAID. Please be advised that changes in the use of a Select Agent will be considered a change in scope and require NIH awarding office prior approval. The approval is necessary for new select agent experiments as well as changes in on-going experiments that would require change in the biosafety plan and/or biosafety containment level. An approval to conduct a restricted experiment granted to an individual cannot be assumed an approval to other individuals who conduct the same restricted experiment as defined in the Select Agents Regulation 42 CFR Part 73, Section 13.b (<http://www.selectagents.gov/Regulations.html>).

**Highly Pathogenic Agent:**

NIAID defines a Highly Pathogenic Agent as an infectious Agent or Toxin that may warrant a biocontainment safety level of BSL3 or higher according to the current edition of the CDC/NIH Biosafety in Microbiological and Biomedical Laboratories (BMBL) (<http://www.cdc.gov/OD/ohs/biosfty/bmb15/bmb15toc.htm>). Research funded under this grant must adhere to the BMBL, including using the BMBL-recommended biocontainment level at a minimum. If your Institutional Biosafety Committee (or equivalent body) or designated institutional biosafety official recommend a higher biocontainment level, the highest recommended containment level must be used.

When submitting future Progress Reports indicate at the beginning of the report:

If no research with a Highly Pathogenic Agent or Select Agent has been performed or is planned to be performed under this grant.

If your IBC or equivalent body or official has determined, for example, by conducting a risk assessment, that the work being planned or performed under this grant may be conducted at a biocontainment safety level that is lower than BSL3.

If the work involves Select Agents and/or Highly Pathogenic Agents, also address the following points:

Any changes in the use of the Agent(s) or Toxin(s) including its restricted experiments that have resulted in a change in the required biocontainment level, and any resultant change in location, if applicable, as determined by your IBC or equivalent body or official.

If work with a new or additional Agent(s)/Toxin(s) is proposed in the upcoming project period, provide:

- o A list of the new and/or additional Agent(s) that will be studied;
- o A description of the work that will be done with the Agent(s), and whether or not the work is a restricted experiment;
- o The title and location for each biocontainment resource/facility, including the name of the organization that operates the facility, and the biocontainment level at which the work will be conducted, with documentation of approval by your IBC or equivalent body or official. It is important to note if the work is being done in a new location.

**STAFF CONTACTS**

The Grants Management Specialist is responsible for the negotiation, award and administration of this project and for interpretation of Grants Administration policies and provisions. The Program Official is responsible for the scientific, programmatic and technical aspects of this project. These individuals work together in overall project administration. Prior approval requests (signed by an Authorized Organizational Representative) should be submitted in writing to the Grants Management Specialist. Requests may be made via e-mail.

**Grants Management Specialist:** Laura A. Pone

**Email:** amidonl@niaid.nih.gov **Phone:** 240-669-2951 **Fax:** 301-493-0597

**Program Official:** Erik J. Stemmy

**Email:** erik.stemmy@nih.gov **Phone:** 240-627-3380

**SPREADSHEET SUMMARY**

**GRANT NUMBER:** 5R01AI110964-02

**INSTITUTION:** ECOHEALTH ALLIANCE, INC.

| Facilities and Administrative Costs | Year 2    | Year 3    | Year 4    | Year 5    |
|-------------------------------------|-----------|-----------|-----------|-----------|
| F&A Cost Rate 1                     | 44.1%     | 44.1%     | 44.1%     | 44.1%     |
| F&A Cost Base 1                     | \$290,594 | \$276,094 | \$274,594 | \$270,694 |
| F&A Costs 1                         | \$128,152 | \$121,757 | \$121,096 | \$119,376 |